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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DANA ABOUD, WILLIAM HICKS, MICHAEL  
POROWSKI, and ALBERT SCHWEIZER,  
individually and on behalf all others similarly  
situated,

Plaintiffs,

v.

CHARLES SCHWAB & CO., INC.,

Defendant.

**14 Civ. 2712 (PAC) (FM)**

**PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT  
CLASS, APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL,  
AND APPROVAL OF PLAINTIFFS' PROPOSED NOTICES OF SETTLEMENT**

**Please take notice that,** upon the annexed Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notices of Settlement, dated April 21, 2014, the Declaration of Justin M. Swartz in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement,

Conditional Certification of the Settlement Class, Appointment of Plaintiffs' Counsel as Class Counsel, and Approval of Plaintiffs' Proposed Notices of Settlement ("Swartz Decl."), and the Exhibits attached to same, Plaintiffs will move this Court, before the Honorable Paul A. Crotty, 500 Pearl Street, Courtroom 11D, at a time and date to be determined by the Court, for an ORDER:

(1) granting preliminary approval of the Joint Stipulation of Settlement and Release, attached as Exhibit A to the Swartz Decl.;

(2) conditionally certifying the proposed Rule 23 Class under Federal Rule of Civil Procedure 23(b)(3) for settlement purposes;

(3) appointing Outten & Golden LLP and the Shavitz Law Group, P.A. as Class Counsel; and

(4) approving the proposed Notice of Pendency of Class Action and Opportunity to Opt In, Proposed Settlement, and Hearing Date for Court Approval ("Proposed Notice") (attached as Exhibit B to the Swartz Decl.) and direct its distribution.

\* \* \*

A Proposed Order is attached hereto as **Exhibit A**, for the Court's convenience.

Dated: May 7, 2014  
New York, New York

Respectfully submitted,

By: /s/ Justin M. Swartz  
Justin M. Swartz

Respectfully submitted,  
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**Attorneys for Plaintiffs and the Putative  
Class and Collective**